

Fort Wayne Gazette

VOL. 18—No. 31

FORT WAYNE, INDIANA, SATURDAY, JANUARY 30, 1858

WHOLE N° 1288

THOMAS TIGAR,

EDITOR AND PUBLISHER.

OFFICE.—Corner of Pearl and Calhoun streets, Third Street, opposite P. Kiser.

TERMS.
Two Dollars per annum in Advance; Two Dollars for the first three months; and Three Dollars for the last three months; or, if preferred, by the month, at the rate of One Dollar per month. Advertisements inserted at One Dollar per Square of Ten Lines for the first three weeks, and half that rate for subsequent insertions. A liberal allowance made to those who advertise by the year.

JOB PRINTING

Executed with neatness, accuracy and dispatch, and on the most reasonable terms.

Insurance Agency.

Another having received the Agency of the

ETNA Insurance Company

OF HARTFORD, CONNECTICUT.

Is prepared to issue policies on the most favorable terms. This Company has a Capital Stock of

\$300,000.

All paid and well invested, and is one of the oldest and most responsible Companies in the Union.

JOHN HUGH, Jr.,

Fort Wayne, Oct. 20, 1857.

General Insurance Agency.

ETNA Fire & Marine Insurance Co.,

Hartford, Connecticut—Capital \$300,000.

MERCHANTS FIRE MARINE INS. CO.

Philadelphia, Pa.—Capital \$1,000,000.

STAR FIRE & MARINE INS. CO.

Ogdensburg, N.Y.—Capital \$150,000.

The above Companies have all the capital paid in, and have complied with all the conditions of the Act of the Legislature relating to Foreign Insurance Companies, thus affording ample guarantee to the insured.

HUGH & JONES, Agents.

May 17th, 1855.

ATTORNEYS-AT-LAW.

L. M. NINDE, Attorney and Counselor at

Law. Office—Corner of Calhoun and Pearl streets, under the Southern Hotel.

W. M. CARSON, Attorney and Counselor

at Law. Office—On Calhoun street, one door south of P. Kiser's (old store).

P. RANDALL, Attorney and Counselor

at Law, and Master in Chancery. Office—On Calhoun street, two doors south of H. Coker's Brick Store.

R. BRACKENRIDGE, Junr., Attorney and

Counselor at Law, will attend to all legal business entrusted to his care, and will give special attention to the collecting and securing of debts throughout the State.

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P. RANDALL, Attorney and Counselor

DISSOLUTION NOTICE.

The firm of B. W. Oakley & Son is this day dissolved by mutual consent. The business of the firm will be closed up by B. W. Oakley, who will pay all demands and will receive prompt settlement of all unsettled matters.

B. W. OAKLEY.

Fort Wayne, June 18, 1857.

B. W. OAKLEY

Will give his exclusive attention to the

HARDWARE BUSINESS.

and will keep on hand a superior assortment of HARDWARE well selected to suit the market, and of the best quality. He will sell at reasonable prices, and it will give him great pleasure to serve his old friends and make himself useful to the public generally in his line of business. He has prepared to fill all orders correctly and with dispatch.

In his stock may be found

Synthes, Smiths, Forks, Rakes, Hoes, Shovels,

Grain Cradles, Sickles, &c.

IRON of all sizes.

Cast, Blister, German and Spring STEEL

Nails, Brads, Spikes, &c.

Mattocks, Picks, & Grub-Hoes.

Vices, Anvils, Bellows, & Screw Plates.

Bench and Moulding Frames.

Socket, Mortice, and Hammer Chisels.

And a superior assortment of

Saddlery Ware

of all kinds, including Leather and Cloth, and

CARRIAGE TRIMMINGS generally.

Machine Stretcher, Leather Belting, Vulcanized

Rubber Belting and Packing, and a large stock of

Shelf Hardware.

10 short articles kept in the Hardware line.

June 27th, 1857.

Drug Store Removed!

The subscriber has removed his establishment,

from ALEXANDER'S HALL, to

No. 83 Columbia Street,

directly opposite the Post Office, where he will

be happy to serve his old customers, and as many

new ones as he is pleased to call.

His stock consists of

DRUGS,

French, English and American Chemicals.

Paints, Oils, Glass, Acids,

Dye Woods, &c.

—also—

BRANDIES AND WINES

of foreign and domestic origin, and a full

assortment of **PHYSICIAN'S PRESCRIPTIONS**

of all kinds, and a full assortment of

WILLIAMS & HUESTIS,

French, English and American Chemicals.

Paints, Oils, Glass, Acids,

Dye Woods, &c.

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RAILROAD NOTICE.

The Pittsburgh, Fort Wayne & Chicago Railroad Company

will run its ample rolling stock and equipment,

is prepared to transport Passengers and

Freight from

Philadelphia & Pittsburgh to Chicago,

ST. LOUIS, INDIANAPOLIS, CINCINNATI,

And all places West and South-West.

With a great degree of regularity and expedition.

The fact that this road forms a direct and con-

siderable link between Pittsburgh and Chicago,

is a sufficient guarantee that the trains will make

time, and connections with trains on other roads.

Change of Time.

GOING WEST

PASSENGER TRAINS LEAVE

Pittsburgh, 5:30 A.M. 2:15 P.M. 8:45 P.M.

Crestline, 6:00 A.M. 2:45 P.M. 9:15 P.M.

FT. WAYNE, 8:40 A.M. 5:45 A.M. 5:45 A.M.

Reach Chicago, 1:40 A.M. 1:00 P.M.

The 8:45 A.M. Train from Pittsburgh being a train

for local business, will leave Crestline by

Express train from Pittsburgh at 2:15 P.M.

All Trains make close connections at CREST-

LINE for COLUMBUS, CINCINNATI, IN-

DIANAPOLIS and SAINT LOUIS.

Also at FORT WAYNE with Trains on

Wabash & Western Railroad for Lafayette,

Central Illinois, and St. Louis.

Also at Fort Wayne with the M. & R. L. E.

R.R.

RETURNING.

From Chicago, 1:40 A.M. 1:00 P.M.

Reach Pittsburgh, 5:30 A.M. 2:15 P.M.

Crestline, 6:00 A.M. 2:45 P.M. 9:15 P.M.

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POETRY

From Morris and William Home Journal.

I Never have been false to Thee.

BY GEORGE P. MORRIS.

I never have been false to thee!

The heart I gave thee still is thine!

Though thou hast been untrue to me,

And I no more may call thee mine;

I've loved as man ever loved,

With constant soul in good or ill;

Thou hast proved, as man to other proves,

A lover—but I love thee still!

Yet think not that my spirit sleeps

Though thou art false, as man is prone;

Love's not a flower, as man is prone;

But smoldering comes her god again;

Thy words which fall unheeded now;

Love's golden chain and burning vow;

Are broken—but I love thee still!

Once what a heaven of bliss was ours,

When love dispelled the clouds of care,

And time went with us birds and flowers,

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DEMOCRATIC STATE TICKET.

Secretary of State,
DANIEL McCLELL, of Morgan.
Auditor of State,
JOHN W. DODD, of Grant.
Treasurer of State,
NATHANIEL F. CUNNINGHAM, of Vigo.
Superintendent of Public Instruction,
SAMUEL L. RUGG, of Allen.
Attorney General,
JOSEPH E. McDONALD, of Montgomery.
For Supreme Judges,
SAMUEL E. PERKINS, of Marion.
ANDREW DAVISON, of Decatur.
JAMES M. HANNA, of Vigo.
JAMES L. WORDEN, of Whitley.

Fort Delaney Sentinel.

SATURDAY, JANUARY 30, 1858.

Important Decision on the School Question.—In another column will be found the decision of the Supreme Court of this state on a case appealed from the Tippecanoe Circuit Court, relative to the right of cities to assess taxes for the support of Common Schools. The Court decides that the Act of 1855, authorizing cities to establish and support Common Schools, and collect taxes for the support of the same, is unconstitutional, because the power of taxing for that purpose is vested in the legislature alone, and the law must be uniform throughout the state—which it cannot be if cities are empowered to establish other and different schools from those established by the general law in the country.

This restraint however applies only to money raised for tuition. The Court distinctly recognizes the right of municipal corporations to raise money by taxation for building school houses. This decision therefore sustains the validity of the tax assessed by our city council—as the money collected were appropriated to the payment of the school houses erected, and not to the support of the teachers engaged.

Attempt to Distract the Democratic Party.—A call has been made by 24 individuals for what they call a Democratic Mass Convention to be held at Indianapolis on the 22d of February, for the purpose of calling attention to the duty of the party at the regular convention on the 8th inst.

The call is very plausible worded and talks very democratic; but we believe its design is as its effect undoubtedly will be to make mischief. We have long been cursed with a few men in our ranks who are zealous democrats as long as they are kept in office, but turbulent and troublesome when out. It is such men, we believe, who have got up the proposed mass convention, and their object is to divide and distract the party. We do not charge all the signers of the call with being of this class, but we believe the original designers are, and the others have been led into it, perhaps, without being aware of where they are going or what the result would be.

We enter our protest against the Mass Meeting, as unbecomingly and antagonistic to the usages of the party. We have been taught always to respect and adhere to the decisions of our conventions, and we look upon all who are participating in the deliberations of such assemblies, turn round and denounce them, or array themselves in opposition to them, as disorganizers and deserters from our ranks.

We caution the democrats to stand aloof from the projected Mass Meeting. Leave its projects alone in the glory of their own pride and disruption of the party—and they will soon find themselves—where they ought to be—in the republican ranks. We would suggest, to save trouble, that they postpone their meeting until the 4th March, and instead of having a separate organization, join at once the Republican Meeting to be held that day. Both have the same object in view—the defeat of the democratic party—and they might as well act together, as go through the formality of holding two separate meetings.

The Vigilance Committee in Noble County—Man Hunt!

The Vigilance Committee in Noble Co. are still busily engaged in the task of ridding themselves of the villains who have so long infested that region. They are daily arresting suspected parties, and have recovered an immense amount of stolen property—horses, buggies, harness, and goods of all descriptions; they have also secured a large amount of counterfeit money. Their proceedings are all conducted with order and decorum, and without any tumult or unnecessary violence. They have got the names of most of the gang, and promptly arrest them as soon as sufficient evidence is obtained.

They have organized three courts of investigation—one at Logansport, one at Kendallville, and the other at South Milford—before whom the prisoners are examined, and the evidence collected and taken down in writing; they are then handed over to the civil authorities. Fourteen have already been committed to jail to await their trial before the Circuit Court; and one was given up to the U. S. Marshal and taken to Indianapolis for trial before the U. S. District Court on the charge of counterfeiting American coins.

On Tuesday last one of the prisoners named Gregor McDougal, a harden villain, who had been connected with the notorious Townsend in Canada, and who is believed to have committed one or more murders, was hung at Diamond Lake Hills about 4 miles from Logansport. On the previous day he had a fair and impartial trial, and was fully convicted of numerous cases of horse-stealing, highway robbery, burglary, and other crimes. Mistakenly attended the unhappy man, and the whole proceedings were marked with a solemnity and decorum not always witnessed at executions made in pursuance of law. He was escorted by a procession of nearly 1000 armed mounted men. Before being turned off he made an address, acknowledging his numerous crimes, expressing his regret for the success of the present movement against the banditti, and finally exhorting all to take warning by his fate, and avoid the evil courses which had led him to such an awful end.

He was quite a young man, not over 27 years of age. His remains were placed in a coffin and delivered to his wife, who with a child reside in Effingham county. His mother lives in Canada. He was one of the parties who robbed and stabbed a man on the road between Huntertown and Auburn, about a year ago.

There is a rumor that another of the gang—A. Fleming, formerly sheriff of Adams Co.—will also be hung. He is said to have been severely wounded, if not killed one of the party engaged in his arrest. Much feeling exists against him, but we sincerely believe that his life will be taken. The men engaged in this task are sober, respectable, and substantial citizens, not a rowdy, bloodthirsty mob—and will not wantonly take human life, or only the cause they are engaged in by any unnecessary act of violence. They are not setting the laws at defiance, but are asserting their sovereignty, and providing for their safety and the impartial enforcement. So long as they do this, they deserve the support and our benevolence of all good citizens.

Daring Burglary.—The Express Office in this city was robbed on Tuesday night last, in a manner which plainly showed that it was the work of some practiced and daring burglar. The door of the office was secured by two locks. One of these was picked, and the other opened by means of the key which had been left on the inside.

The key of the safe was taken from under the pillow of a young man who slept in the office, and the safe rifled of several packages containing altogether about \$3,800. A revolver was removed from the place at the head of the bed where it was usually kept, so as to be out of reach in case the young man awoke, and there is every reason to believe that chloroform was administered to him to prevent the possibility of his interrupting the operations of the daring thief or thieves. The young man heard nothing of their proceedings, but did wake up long after his usual hours of attending business. No clue has yet been got to the depredators, but as several suspicious-looking strangers were seen in the vicinity the previous evening, it is most probable the robbery was the work of some of the Noble County gang, who finding their old quarters getting uncomfortably hot, had started on their travels and made a raise here sufficient to defray incidental expenses. We hope they may be caught and receive the punishment they richly deserve.

P. S. \$250.00 of the amount stolen was in silver coin—quarter dollars. Two men and a woman got on the Chicago train at Columbus, the morning after the robbery, and paid their fare in coin of that description and appeared quite flush of change. The Chicago police were notified to look after them.

Homeless Children for the West.—Mr. Tracy, agent of the New York Children's Aid Society, arrived at this place on Thursday morning last with some 50 or 60 children, youths, and young women, sent out by that benevolent association to find homes in the west. These strangers are not of the depraved class so numerous in the Five Points and other dens of wretchedness in New York, but are orphans or the children of persons reduced to poverty by the late unexampled season of adversity, and boys and young women thrown out of employ. This Aid Society has been organized for the purpose of taking care of and relieving such distresses, and furnishing homes and employment for the most worthy of those who come under their notice. Hundreds have already been comfortably provided for in Michigan and Illinois, and now a consignment has reached here, and an opportunity is afforded us of aiding in this truly philanthropic and praiseworthy undertaking. The children were taken from the methodist church where they were visited by hundreds of our citizens, and we are pleased to add that most of them were at once engaged, and provided with homes.

We are requested to add that a few of the girls still remain unprovided for, and Mr. Tracy proposes to remain here with them until Monday or Tuesday next, in hopes of finding homes for them. Such of our citizens as feel disposed to add this great undertaking are invited to call on him without delay.

Messrs Hill and Jacobs have dissolved partnership, and Charley intends going it alone, and continuing the business on his own hook. He has an unusually large and valuable stock of books of all descriptions, music, musical instruments, stationery, including all varieties of writing and printing papers, fancy articles, &c., &c. He is determined to keep doing and be busy, notwithstanding the hard times, and to ensure this he will sell at the very lowest prices.

If you want bargains in books or stationery, call at Hill's and you will assuredly find them.

The Leocompton Constitution.—The Herald's correspondence from Washington, Jan. 28th, says: The Leocompton Constitution is expected tomorrow or next day. The President will send it at once to Congress with a special message. The democratic members of Congress generally, will act fairly with the Administration, and make, for that question, a party orthodoxy. A caucus of democrats supposed to be opposed to the Leocompton Constitution, held a meeting last evening for the purpose of comparing notes. They expected to muster eighteen votes in all. The republicans had completed their organization, and arranged the programme to defeat the Leocompton Constitution. Mr. Blair of Mo., and Mr. Grow, of Penn., are to do the heavy work.

GEN Scott has been ordered to California, to organize a volunteer force in that State, for Utah. An additional force of U. S. troops will be dispatched to Utah as early in the spring as practicable; but it is not at present intended to embody any volunteer force east of the Rocky Mountains.

We return our thanks to C. J. Hill, for the present of a superb gold pen. A man who thus remembers the printer is worthy the liberal support of the public, and we take pleasure in recommending Hill, to all who want books or stationery of any description. In the article of gold pens we speak understandingly, when we say that he has a large assortment of them of very superior quality, and all who buy of him can depend on getting the best article at the lowest price.

Whitley Co. Agricultural Society.—Pursuant to a public notice given, the members of the Whitley County Agricultural Society met at the Court House in Columbia City on the 14th inst.

The meeting being called to order by the Secretary, on motion, Dr. Eli Pierce was called to the chair. The report of the Secretary being called for, the same was briefly read, which showed that there was in the treasury the sum of \$200.41, and that there is the amount of \$84.83 of awards, included in the \$200.41, which amount of \$84.75 will be nearly all donated to the Society for the purpose of purchasing fair grounds for the Society.

On motion the report was unanimously accepted and adopted.

On motion, the Chair appointed the following members a committee to select a suitable location for fair grounds for the Society, to wit:—Charles W. Hughes, Benjamin H. Cleveland, and Isaiah B. McDonald; and that said committee report their proceedings to this society on the 15th day of February, 1858.

On motion, the Society proceeded to the election of officers for said Society, which election resulted in the choice of the following persons:—
For President—Charles W. Hughes.
For Vice President—Dr. Eli Pierce.
For Secretary—Isaiah B. McDonald.
For Treasurer—Thomas Cleveland.

On motion, the following Board of Directors were elected, to wit:—
For Clereland township, Bonj. H. Cleveland.
"Rehoboth", Budd Bolton.
"Troy", Robert J. Eliot.
"Washington", Martin Bechtel.
"Columbia", James B. Edwards.
"Thorncrest", Gideon T. Klink.
"Jefferson", Samuel Braden.
"Union", John Haywood.
"Smith", by Gen. H. Carier.

It was agreed by a general consent that Charles W. Hughes, the President elect of the Society, should attend the State Board of Agriculture at Indianapolis in January next, and should be authorized to appoint a delegate in his place to attend said Board.

On motion, the Society now adjourned to meet at the Court House on the 15th day of February, 1858.

ELI PIERCE, Chm.

ISAIAH B. McDONALD, Sec'y.

Our European Correspondence.

Florence, Italy, Dec. 29, 1857.

Mr. THOS. TIGAR:—
Sickness in my family prevented me writing you for some time. In my last, I was speaking of going up the Rhine to Bingen. Before reaching there we stopped at several points to view old ruins, &c.; among them, in the middle of the river, on a small island, opposite Caub, stands the Castle called Pfalz, built by the Emperor Louis the Bavarian, early in the 14th century. It now belongs to the Duke of Nassau. The latter island is of historical interest, as the place where Louis le Debonnaire retired to die, after being overthrown by the forces of empire—directly the erection of a thatched hut, such as served him in the forest while hunting. There lying on his couch, listening to the sound of the rushing waters, he breathed his last. In this castle dungeons were constructed, much lower than the bed of the river, used for state prisoners of note. The castle was only accessible by means of a ladder, and then the only entrance closed by a portcullis. The well which supplied it with water was from a source much lower than the bed of the river.

On nearing Bingen you enter what is called the "Castellated Rhine"—so numerous were those edifices in that vicinity. The ruins of the Castle Reichenstein or Falkenberg stands on the summit of a spur on a very rocky hill. A little further up, on the same bank, is that of Rheinstein, a very projecting crag, almost perpendicular from the river bank. We would hardly see how they could find access without great labor, to these strongholds, erected for the purpose of robbery and plunder. The forces of the League of the Rhine, as it was called, executed the sentence of the Diet by storming and demolishing those robber dens, putting an end to the arbitrary exactions of the owners, or what is more suitable language, their robberies—for it was nothing better. How so many were erected and where they could find sufficient plunder to give them support, is a matter of astonishment. Every bend of the river presents some of these ruins, and often two and three.

We found Bingen something of a business place, said to contain 10,000 inhabitants at least while we were there every one seemed alive, repairing wine casks, cleaning them, or making new ones, and harvesting the grapes, so abundant and so fine this year. We also found merchants there from England and France, and the vineyardists of the country. The best wines are the produce of the vineyards on the opposite of the river, on hills said to be 1000 feet high. Artificial means are used to plant the vine, the earth being sometimes confined around the vines in baskets to prevent its being washed away. The vineyards which we viewed at Bingen, were a succession of terraces or steps extending from the bottom to the top of the hills. We counted 20 terraces rising one upon the other, and supporting a wall of solid masonry from five to ten feet high each; the breadth of some, the largest, on which the vines grow, from eight to twelve feet. To reach many of them the vine-dressers, females as well as male, have to be lowered by means of a rope, as it were, to the very face of the rocks—Looking up from the river bank we could not see how they got there, or maintained when there, their position; yet we were told that much of the soil, and all the vines, were carried up by means of a cable, or pulley, on the backs of the cultivators—thus giving to the barren rocks nourishment to the grape, producing this much sought for wine. Most of the cultivators are the owners of the grounds—a hardy, energetic, and sturdy race, as we could judge, a contented people. The terraces of these hills, we should suppose, are fully two miles in length, and runnings as they do, above each other give a continuation of walls of solid masonry of many miles, showing how much industry and labor is expended on a single hill, presenting a southern aspect. How great must be the expense to thus prepare vineyards; but such is the value of the wine produced here, that a good profit results to the cultivator. At the place where the vines are carried up to the terraces, on a small island near where the waters of the Nahe, united with the Rhine. It was built in the 13th century by a bishop, and some extraordinary tales are told of it, not of much interest. It was named after the emperor Constantine, friends, prior to leaving home. We, however, found nothing of interest in this square tower, nor repaired, except a good view up and down the river. The river Nahe at this place divides the Prussian Territory from that of the Grand Duchy of Baden. On our further ascent we saw the Chateau of Johanneberg, the property of Prince Metternich. It stands in the midst of vineyards; not an ornamental tree or shrub to be seen in front. The grounds are said to be very valuable, and occupied by anything but the vine, which is cultivated up to the very hall door. The house is inhabited; it was built in 1716, and enlarged by its present owner. The first owners of this vineyard were monks, and some three years to the Prince of Orange. When the Emperor Napoleon Bonaparte, conquered that part of the country he made it over to one of his Marshals. At the close of the war in 1815, or perhaps 1816, the Emperor of Austria purchased it, and his favorite minister, the present owner. The wines from this vineyard sell extravagantly high—whether it is their quality that gives this value, or the fact that Prince Metternich is the owner, we cannot say. It is a vineyard, however, who exercises so much influence in the affairs of Europe for so long a period, and so renowned for his statesmanship, gave it to us, more than a common interest. It is said the grapes from this vineyard are used for medicinal purposes, and are sold for full price, but are permitted to remain on the vines as long as they can hold together; this occasions a loss in the quantity of the wine, but is said to vastly add to its quality. The extent of the vineyard is 70 acres. The vines were much hurt by the late frost, and only a few bottles—George the 4th of England and the King of Prussia were the purchasers (tolerable draughting!) Here the Rhine assumes its greatest breadth (2000 feet) while further down, at Cologne, it is but 1200 feet wide. In the middle of the river, up to Mayence from the Chateau of Johanneberg, are many small islands to which the Emperor Charlemagne used to resort by his. His unfortunate son, Louis, pursued by his own impetuous son, ended his days on one of them, a fugitive.

We also passed Bieberech, where we saw the Chateau of the Duke of Nassau; it is built of red sand stone, and is said to be one of the handsomest palaces on the Rhine. The gardens are of great interest, very handsome, and liberally thrown open to the public.

From thence we went to Mayence, where we spent a few days, of which we may write hereafter.

Yours, etc., A. H.

Ma. Editor:—

It will be no doubt interesting to many of your readers, and particularly to those who are consumers of gas, to publish the following statement of the relative cost of light, as many persons are under very erroneous impressions as to the expense of various materials used for that purpose.

The expense of lighting Old Fellows' Hall in this city, for the months of January, February, March and April with kerosene, was \$21 33

The expense of lighting same rooms for corresponding months in 1857, with gas, was 6 40

Making a difference in favor of gas in four months, of \$12 93

The expense of lighting same house for eight months, from May to December, inclusive, with same lamps, with kerosene, was \$23 17

And the same house, with lighting with 13 gas burners during corresponding months of the following year, was \$22 75

It will be discovered that in the one case there were 13 burners, in the other, 8 lamps. If you add one-half to the oil and lamps for the difference

in number of burners you will find the account to stand thus:

For last oil, \$31 99 For gas, \$24 75

For last oil, 8 40 For gas, 22 75

The following statement of the relative cost of burning fluid and gas is furnished by a gentleman in this city:

For fluid from November to March, inclusive, \$14 30

For gas for corresponding months 6 25

I am informed it formerly cost to light the Presbyterian Church (O. S.) in this city, with 20 lamps, the sum per annum of \$90 00

The gas bill for said church, comprising 50 burners, in 1857, was 80 75

If you double the sum for difference in number of burners it would stand thus:

In lamps, \$180 00 In gas, \$80 75

These are practical demonstrations of the relative cost of light, as given by consumers in this city. They establish the fact that gas light, for burning, is decidedly the cheapest light now offered to the public, without estimating the advantage of its cleanliness and the saving in breakage, wastage, and attendance, when compared with oil or kerosene.

A CITIZEN.

Opinion of the Supreme Court.

Declaring the Act of 1855, authorizing the establishment of Public Schools in incorporated cities and towns unconstitutional.

The City of Lafayette vs. Jennings—APPEAL from the Tippecanoe Circuit Court.

Application for an injunction. Injunction granted. Appeal to this Court.

The facts of the case are as follows: In 1855, the Legislature passed an act entitled "An Act to authorize the establishment of Free Public Schools in the incorporated cities and towns of the State of Indiana."

The first section of the act reads thus: "Be it enacted, etc., that the several incorporated cities and towns in this State be, and they are hereby, authorized and empowered to establish and support Public Schools within their respective corporate limits, and by an ordinance of such corporation, to levy and collect taxes for the purpose of raising money from time to time for the support thereof."

Under this section the city of Lafayette levied a tax for the support of Public Schools within its corporate limits, and caused to be levied and collected the same. The city of Jennings filed its complaint in the Circuit Court, asking that the city be enjoined from collecting the tax so assessed against him. The injunction, as we have seen, was granted.

The question then arose in the case is whether the taxation of the State above quoted is constitutional, and we can scarcely regard it as an open one.

The act of 1852, I. R. S. p. 444 Sec. 31, and Sec. 130, authorized incorporated cities and towns to levy taxes for the support of Public Schools after the public funds had been exhausted, and this Court, on all occasions, has held that portion of act unconstitutional. But what is the difference between this, and the act of 1855, which authorizes the levy of taxes for the support of their Schools after the public funds shall have been exhausted? The act of 1855 authorizes incorporated cities and towns to levy and collect such taxes as may be necessary from time to time for the support of "Public Schools" within their corporate limits. The distinction between the acts is without a difference.

If the Legislature cannot, under the Constitution, confer upon cities and towns the power to levy taxes to continue the free Public Schools of the State, how can it confer upon them power to levy taxes to establish and support Free Public Schools, after the public funds have been exhausted? The first, that does not exist to the exercise of the second, act of power? And what was the objection assigned against the first? It was not, that it was conferring upon cities and towns power to levy taxes, but that it was conferring upon them power to levy taxes for the support of the schools; and that it was attempting to confer upon them power forbidden to be so conferred by the Constitution; but that it was attempting to confer upon them power touching subject as to which the Constitution reserves all power to be exercised by the State alone, viz: the subject of furnishing tuition in Public Schools to the children of the State. In Adamson vs. the Auditor, &c., 9 Ind. 174, this Court said, in speaking of the law of Indiana, in *Greenleaf vs. Black*, 5 Ind. R. 557, the provision in that law authorizing township trustees to assess taxes for paying teachers of common schools is unconstitutional, because the power of taxing for that purpose is reserved to the State, and the exercise of the first, that does not exist to the exercise of the second, act of power? And what was the objection assigned against the first? 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And a large assortment of all other Goods us-
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tion.
All the above Goods were bought under u-

ity favorably circumstances. Just after the
crash in the Wall Street Banks and the consequent
depreciation in the money market, and the loss
or failures of the Importers and Jobbing House
obliged them to sell to cash customers, we saw
ourselves of these great bargains, and willing
give our customers the benefit of them, we
invite all the Ladies and the balance of man
or we have the goods and are bound to sell
Being along your cash.

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Stoves, Hollow Ware,
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WE keep constantly on hand a perfect as-
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From the justly celebrated Foundries of Troy embracing all of the latest improvements; and many of the most approved Patterns of Ohio Pennsylvania Stoves. We would therefore

those of our friends who want any thing in the way of giving us a call. We not only warrant our goods, but also our TIN WARE, to give entire satisfaction, as we employ none but experienced Workmen.
P. S. If you want anything in the way of Spouting, such as
Flavetroughs Spouting, &c
Call at Nettlehorst & Co. We are prepared to give estimates and dispatch.

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as above, and having had years' experience 'in the art' he can give entire satisfaction to all who favor him with orders, which he will promptly execute in the neatest and most fashionable style, and warrant good fitting clothes will be made for

He will keep on hand an
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Ready-made Clothing
of his own making up, which he can warrant
well and strongly made, and will sell cheap.
MISS VOGEL, also, offers at the same
near and fashionable assortment of

MILLINERY
Bonnets and Fancy Goods,
To which she invites the attention of Ladies
designs selling at the very lowest rates.
made up, and all kinds of Millinery Work p
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2 COOP Pails, 3 do. Flour do. Well
Sugar Boxes, Butter Ladles, Willow W
Wash Tubs, Bbl Churns, Cloth Baskets, Ma

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bowls and all kind of Woodware at: ORFF

BOYS if you want a nice Sleigh for the
go to ORFF

CARPETS and Oil Cloths, at ORFF

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BLACKSMITH'S COAL—2,000 bushels
Blacksmith's Stone Coal, for sale at m
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In store and on the way, being the most extensive
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Furnishing Goods, Carpeting, Oil Cloth
Queenware and Groceries.
In Men and Boys' Wear we have.

roadcloths, Velvets, Ready made Shirts
Cassimeres, Satins, Merino Shirts &c
Blk Deeskins, Flannels, Handkerchiefs
Fancy Deeskins, Kent's Jeans, Cravats
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